IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 17224 of 2007(A)

PETITIONER:

SURAJA KUMARI, STAFF NURSE,
PUBLIC HEALTH CENTRE, KALLIYOOR, TRIVANDRUM.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HEALTH SERVICE,
TRIVANDRUM.

3. THE DISTRICT MEDICAL OFFICER (HEALTH),
GENERAL HOSPITAL JUNCTION, TRIVANDRUM.

4. THE MEDICAL OFFICER IN CHARGE,
PUBLIC HEALTH CENTRE, KALLIYOOR,
TRIVANDRUM.

5. USHAKUMARY.K., STAFF NURSE,
PUBLIC HEALTH CENTRE, VELLAYANI, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE DISCHARGE CERTIFICATE ALONG WITH THE MEDICAL TREATMENT RECORDS OF THE PETITIONER

EXHIBIT-P2: TRUE COPY OF THE ORDER NO.A5-1940/2007/DMO (H) DATED 25.5.2007 ISSUED BY THE 3RD RESPONDENT

EXHIBIT-P3: TRUE COPY OF THE ORDER NO.202/07/GFH/TVPM DATED 30.5.2007 ISSUED BY THE MEDICAL OFFICER-IN-CHARGE, GOVERNMENT FORT HOSPITAL, TRIVANDRUM

EXHIBIT-P4: TRUE COPY OF THE JOINING REPORT OF THE PETITIONER SENT BY THE MEDICAL OFFICER IN CHARGE, PHC, KALLIYOOR TO THE MEDICAL OFFICER IN CHARGE, FORT HOSPITAL, TRIVANDRUM.

EXHIBIT-P5: TRUE COPY OF THE ORDER NO.A5-1940/2007/DMOH DATED 1.6.2007 ISSUED BY THE 3RD RESPONDENT

EXHIBIT-P6: TRUE COPY OF THE REPRESENTATION DATED 4.6.2007 SUBMITTED TO THE 3RD RESPONDENT

/TRUE COPY/

K.BALAKRISHNAN NAIR,J.

W.P (C) No. 17224 of 2007

Dated this the 11th day of July, 2007

J U D G M E N T

The petitioner is a Staff Nurse working under the 2nd respondent. By Exhibit-P2 order, she has been transferred from Government Fort Hospital, Thiruvananthapuram to Primary Health Centre, Kalliyoor on 25.5.2007. She joined duty at Kalliyoor on 30.5.2007. Later, the 3rd respondent issued Exhibit-P5 order dated 1.6.2007 stating that the transfers in Thiruvananthapuram district made as per Exhibit-P2 have been frozen. Apparently, based on that order the person, who has been transferred out from Kallioyoor, the 5th respondent herein, tried to come back and join duty. In the above background this writ petition was filed. On 6.6.2007, this court issued an interim order directing to retain the petitioner at Kalliyoor. Learned Government Pleader submitted that the 5th respondent has no place to join duty as she was relieved from Kalliyoor and the existing hand is continuing in the hospital to which she was transferred. That was the reason why she came back to join in the place of the petitioner.

2. Heard. The petitioner points out that the 5th respondent has joined duty at Vellayani displacing a person engaged on contract basis. The petitioner has already preferred Exhibit-P6 representation praying that she may be retained in the present station. The 3rd respondent is directed to look into the representation and pass orders thereon, within one month from the date of production of a copy of this judgment. Unless there are compelling administrative grounds, the petitioner should be allowed to continue at Kalliyoor to which place she was transferred under Exhibit-P6. If the petitioner produces a copy of this judgment before the 3rd respondent, within one month from today, status quo as on today shall be maintained till the 3rd respondent takes a decision on Exhibit-P6.

The writ petition is disposed of as above.

(K.BALAKRISHNAN NAIR,JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007